

## § 929.125

committee, for such acreage at the time of transfer.

[59 FR 36023, July 15, 1994]

### **§ 929.125 Committee review procedures.**

Pursuant to § 929.48(c), growers may request, and the committee shall grant, a review of determinations made by the committee pursuant to § 929.48(a) and (b), in accordance with the following procedures:

(a) If a grower is dissatisfied with a determination made by the committee which affects him, he may submit to the committee within 30 days after he is notified of the determination, a request for a review by the committee of that determination, along with any materials which he feels are pertinent and a written argument if he so desires.

(b) The committee shall review its determination within a reasonable length of time taking into account all materials submitted by the grower in accordance with paragraph (a) of this section, and any other material which it deems pertinent. Thereupon, the committee shall make a redetermination, and notify the grower of its conclusions, accompanied by the reasons for its decision.

(c) If the grower is not satisfied with the subsequent decision of the committee, he may appeal, through the committee, to the Secretary, within 30 days after he is notified of the committee's findings. The committee shall promptly forward the entire file on the matter to the Secretary.

(d) The Secretary shall promptly review the decision of the committee as a result of its redetermination, and in doing so shall consider at least the following information:

(1) The complete file on the issue which was submitted by the committee in accordance with paragraph (c) of this section;

(2) Additional pertinent information submitted to the Secretary by the grower; and

(3) Additional pertinent information submitted to the Secretary by the committee.

(e) Upon completion of his review, the Secretary shall reach a decision with respect to the matter before him.

## 7 CFR Ch. IX (1-1-97 Edition)

He shall promptly notify all interested persons of his decision, and such decision shall be final.

[34 FR 1305, Jan. 28, 1969]

### **§ 929.142 Reserve.**

(a) It is necessary and appropriate to establish and maintain a reserve in an amount not to exceed approximately one fiscal period's operational expenses to be used in accordance with the provisions of § 929.42 of the marketing agreement and this part, and

(b) Assessments collected for each of the fiscal periods ended July 31, 1963; July 31, 1965; July 31, 1966; and July 31, 1967, were in excess of expenses for such periods. The committee is hereby authorized to place excess funds in said reserve.

[28 FR 11052, Oct. 16, 1963, as amended at 32 FR 13253, Sept. 20, 1967. Redesignated at 44 FR 73011, Dec. 17, 1979]

### **§ 929.150 Transfer or assignment of sales history.**

(a) If indebtedness is incurred with regard to the acreage to which the cranberries are attributed, and on which a sales history is established, the sales history holder may transfer or assign the sales history solely as security for the loan. During the existence of such indebtedness no further transfer or assignment of sales history by the sales history holder shall be recognized by the committee unless the lender agrees thereto: Provided, That a copy of such loan agreement or assignment shall be filed with the committee before any right expressed therein, with regard to the sales history, shall be recognized by the committee under this paragraph (a).

(b) This regulation shall not in any way be construed to affect the right of the Secretary of Agriculture to amend, modify or terminate this regulation, or the marketing order under which it is issued as provided by law.

[34 FR 705, Jan. 17, 1969, as amended at 59 FR 36023, July 15, 1994]

### **§ 929.151 Allotment transfers and disposition of the growers annual allotment certificate.**

(a) Growers who transfer or receive the transfer of cranberries or allotment